

**Remarks/Arguments**

Claims 1 – 7 and 12 – 20 are pending in the application. Claims 1, 13 and 15 are independent.

Applicants thank the Examiner for reopening the prosecution and giving the undersigned an opportunity to explain the invention during the telephone interview of January 29, 2010. In the present amendment, claims 1-6, 12-17 and 20 are amended for clarity and to more particularly point out and distinctly claim the subject matter that applicants regard as the invention. Claims 21-25 are added and claim 18 is cancelled without prejudice and disclaimer. No new matter is added.

**Rejection of claims 5 and 17 under 35 U.S.C. 112, second paragraph**

Responsive to the rejection, applicants have amended claims 5 and 17 to more particularly point out and distinctly claim the subject matter that applicants regard as the invention. Claim 5 as amended recites the following:

*“Method according to claim 1, wherein said data associated with said command contain a numeric value, and wherein determining the range of page numbers is based on the numeric value and a page number of said first menu page, and wherein the second menu page is one of said available menu pages having page numbers greater than the page number of said first menu page if the numeric value is positive.”*

Claim 17 as amended recites the following:

*“Method according to claim 2, wherein said data comprises a numeric value, and wherein the range is determined by the numeric value and the page number of said first menu page, and wherein said second menu page is one of said available menu pages having page numbers greater than the page number of said first menu page, if the numeric value is positive.”*

In light of the amendment, applicants submit that amended claims 5 and 17 are definite meeting the requirement of 35 U.S.C. § 112, second paragraph.

## **Rejection of claims 1 – 7 and 12 – 20**

The Office Action states that these claims are rejected under 35 U.S.C. 102(b), but at the same time cited more than one reference. It is well known that in order to anticipate a claim, a single reference must disclose every element of the claim. In order to advance the prosecution of the application, applicants assume that the Office Action is asserting that these claims are anticipated by Goldsmith (US 2005/0076309), and as an alternative, are not patentable over Goldsmith in view of Moehrle (US 7,191,411).

As explained in the interview, an aspect of the invention is that the command associated with a menu item of a first menu page comprises switching to a second menu page and the command also indicates the range of page numbers that the second menu page could have. It is important to understand that not each page number in the range is associated with a menu page. For example, as shown in FIG. 4, the range is from 3200 to 3299 but only 3200, 3224 and 3299 are associated with menu pages. Other numbers are not associated with any menu page and may be assigned to new menu pages when the new menu pages are downloaded. As such, the system must detect available menu pages having page numbers within the range before the system can select the second menu page because the second menu page must be one of the available menu pages. Continuing the above example, assuming that the first menu page is page 3224 and it includes a next menu item, if the next menu item is selected, the second menu page is not a menu page with a page number of 3225 because menu page 3225 does not exist. Thus the second page in this example must be menu page 3299. An advantage of this invention is that a menu page not included in an original optical medium such as a DVD can be downloaded and stored in a medium other than the optical medium by simply assigning the new menu page an unused page number within the range without affecting the page numbers of the existing menu pages and without the need of reprogramming the menu system software. For example, claim 1 as amended recites the following:

*A method for automatically generating an electronic menu including a plurality of menu pages, wherein menu pages contain selectable menu*

*items with associated commands to be executed upon activation of the respective menu items, the method comprising:*

*associating a page number with each menu page;  
a first menu page containing a first menu item with an associated command and said command associating with data, wherein the command associated with the first menu item comprises switching to another menu page;*

*determining a range of page numbers based upon said data associated with said command;*

*detecting available menu pages having page numbers within said range; and*

*selecting a second menu page upon activation of said first menu item, wherein the second menu page is one of the available menu pages and wherein the first and second menu pages are retrieved from different storage media.* (Emphasis added.)

Applicants submit that Goldsmith at least does not disclose or suggest the underlined features. Goldsmith discloses a tree menu system, in which a pointer associated with a menu item points to a predefined menu page when the menu item is selected. See, for example, FIG. 5. Even interpreting a pointer as a page number for a menu page, a pointer does not represent a range of page numbers. As such, the system in Goldsmith cannot determine a range of page numbers based upon data associated with a command associated with a menu item in a menu page and there is no need to do so. Since the system in Goldsmith does not determine the range of page numbers, the system also does not require the steps of detecting available menu pages having page numbers within said range and selecting a second menu page upon activation of said [first] menu item, wherein the second menu page is one of the available menu pages, as recited in amended claim 1. Therefore, the system in Goldsmith is not usable for integrating an additional menu page into an existing menu, if the additional menu page was not included in an original optical medium such as a DVD, but downloaded and stored in a medium other than the optical medium, without affecting the page numbers of the existing menu pages and without the need of reprogramming the menu system software.

In rejecting claim 2, the Office Action appears to interpret the pointers associated with all menu items in a menu page as the range of page numbers in claim 1. This is

incorrect. As recited in amended claim 1, the range of page numbers is determined based upon data associated with a command associated with a menu item and the command comprises switching to another menu page. As such, from the pointers that Goldsmith shows, only the pointer associated with the selected menu item can be considered. Pointers associated with unselected menu items are irrelevant. When a menu item in Goldsmith is selected, there should be a command to invoke the menu page pointed by the pointer associated with the selected menu item. The Office Action appears to interpret a pointer associated with a selected menu item as the data for the command. However, even with this interpretation, Goldsmith still does not disclose or suggest the feature of determining a range based on the data associated with the command, because the command includes only one pointer, not a range of pointers.

Furthermore, applicants respectfully disagree that a pointer referred to in paragraphs [0010] and [0011] of Goldsmith can be interpreted as a page number under the meaning of amended claim 1. The reasons are fully stated in the Appeal Brief filed on October 22, 2009 and applicants will try not to repeat the arguments here. It is clear for a person skilled in the art that the present specification discloses page numbers, not pointers. The term “page number” implies numeric or alphanumeric values that assert an intrinsic sequence order to different menu pages. The present specification discloses that a different menu page number is associated with a different menu page. By contrast, it is well known that a different pointer can point to the same menu page, e.g., two pointers pointing to the same menu page. Likewise, it is clear that a plurality of pointers, each of which pointing to one of a plurality of menu pages, are not suitable for assigning an intrinsic sequence order to these menu pages, since the menu pages are not necessarily aware of the pointers pointing to them. E.g., a first menu page could have three pointers pointing to three different menu pages, while a second menu page could have the same three pointers pointing to the same three menu pages, but in a different sequential order. As such, it is clear that the terms “page number” and “pointer” are different. In order to anticipate amended claim 1, Goldsmith must disclose page numbers. Disclosing merely pointers is insufficient under the law. As shown above, even if (but not admitting the point) a pointer can be implemented using a page

number, a page number cannot be implemented using a pointer. Finally, even if (but not admitting the point) a pointer can be implemented using a page number, a pointer as well known can be implemented in several different ways and Goldsmith merely discloses a general concept and cannot anticipate amended claim 1.

Applicants also disagree that Goldsmith discloses or suggests that first and second menu pages are retrieved from different storage media. Although Goldsmith discloses in FIG. 5 that menu 510 allows a user to launch multimedia applications from an audio player, QuickTime player, or camera tools, menus 504 and 510 can still be stored in the same medium. In fact, Goldsmith does not disclose or suggest that any menu is stored in a different medium than another.

Moehrle cannot cure the defects of Goldsmith as applied to amended claim 1. Moehrle discloses a menu system having active path, such that each element in the path is an active link linked to an associated menu. See, for example, col. 2, lines 33-43. Similar to Goldsmith, the active link associated with a menu item in a menu for a sub-menu is linked to the sub-menu directly. As discussed above, even interpreting a pointer or an active link as a page number for a menu page (which the Applicants deny), a pointer or an active link does not represent a range of page numbers. As such, similar to the system in Goldsmith, the system in Moehrle cannot determine a range of page numbers based upon data associated with a command associated with a menu item in a menu page and there is no need to do so. Since the system in Moehrle does not determine the range of page numbers, the system also does not require the steps of detecting available menu pages having page numbers with said range and selecting a second menu page upon activation of said menu item, wherein the second menu page is one of the available menu pages, as recited in amended claim 1.

Applicants disagree that Moehrle in FIGs. 5a and 5c discloses that a pointer is a page number, as alleged in the Office Action. Each alphanumeric symbol in both figures is simply a set of reference characters assigned to each menu item associated with an active link, so that the specification can easily refer to each menu item. For example, menu item 12b in both figures is linked to a menu page having three menu items 12c1, 12c, and 12c3. Without these reference symbols, it would be difficult to

describe these different menu items in the specification. However, Moehrle does not disclose or suggest that the menu system assigns each menu page a numeric or alphanumeric symbol.

In light of the fact that Goldsmith does not disclose or suggest every element of amended claim 1, the amended claim 1 and dependent claims 2-7, 12, 16, 17, 19, 20 are not anticipated by Goldsmith, and in light of the fact that Goldsmith and Moehrle, considered singly and in combination, do not disclose or suggest every element of amended claim 1, amended claim 1 and dependent claims 2-7, 12, 16, 17, 19, 20, are patentable over Goldsmith and Moehrle.

Furthermore, amended claim 2 recites that determining the range is also based upon a page number of the first menu page. Neither Goldsmith nor Moehrle discloses or suggests such a feature. As such, amended claim 2 and dependent claims 3, 16, 17, 19, and 20 are patentable for this reason alone.

As pointed out above, interpreting pointers associated with all menu items in a menu as the range of page numbers in the claim is incorrect. Furthermore, when an active link (appeared being relied upon as one menu item of the first menu page) is selected, the system displays the menu page (appeared being relied upon as the second menu page) linked to by the active link. The active link (appeared being relied upon as the page number of the first menu page) of the current menu page including the selected active link is not used for selecting the selected menu, let alone being used in determining the range.

Furthermore, amended claim 4 recites that determining the range is based on a placeholder with said data associated with said command. Neither reference discloses or suggests a placeholder under the meaning of the claim. As such, amended claim 4 is patentable for this reason alone.

Applicants disagree that the fact that a pointer may be stored in a memory location implies that the memory location is a placeholder because if a pointer is the data associated with a command for invoking the menu page pointed by the pointer, the data is the pointer itself and the data cannot also include the memory location that

stores the pointer. Furthermore, a placeholder as defined by implication in the specification does not store a number.

Amended claim 5 recites that the data associated with the command contain a numeric value, and wherein determining the range is based on the numeric value and a page number of the first menu page and wherein the second menu page is one of said available menu pages having page numbers greater than the page number of the first menu page, if the numeric value is positive. Neither reference discloses or suggests such a feature. As such, claim 5 is patentable for this reason alone.

First of all, as pointed out in the appeal brief, a page number as used in the specification is a number, not an alphanumeric code. Second neither reference discloses or suggests that a pointer can be designated with alphanumeric code as alleged by the Office Action. Third, the Office Action appears to interpret a pointer as the data of a switching command associated with a selected menu item. Thus the pointer associated with a switching command should be interpreted as the numeric value. As such, the numeric value is always positive but the system in either reference cannot select the pointer pointing to the selected menu page (the second menu page in the claim) to have a greater value than the pointer pointing to the current menu page (the first menu page). In fact, the system in either reference does not have a choice other than to invoke the menu page pointed by the pointer.

Regarding amended claim 12, the fact that the system in Goldsmith allows a user to select QuickTime does not prove that the system detects corresponding AV content selectable from the available menu pages is also available. As such, amended claim 12 is patentable for this reason alone.

Since amended claim 13 recites similar features as recited in amended claim 1, amended claim 13 and dependent claim 14, are patentable over the two references for similar reasons discussed above with respect to amended claim 1.

Amended claim 15 also recites similar features as recited in amended claim 1. As such, amended claim 15 is patentable over the two references. Furthermore, amended claim 15 recites an optical storage medium and at least one menu page

having page number within the range is not stored on the optical storage medium. Neither reference discloses or suggests such a feature. As such, amended claim 15 is patentable over the two references for this reason alone.

It is clear that in amended claim 15, at least one menu page is stored in the optical storage medium because it recites that the optical storage medium stores menu data for a multi-page menu. Goldsmith does not even disclose or suggest a menu page is stored in an optical storage medium along with audio-visual content.

New claim 25 is patentable at least for its dependence from claim 1.

## **Conclusion**

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,  
Dirk Gandolph, et al.

By:                     /Reitseng Lin/                      
Reitseng Lin  
Attorney for Applicants  
Registration No. 42,804

Patent Operations  
THOMSON Licensing LLC  
PO Box 5312  
Princeton, NJ 08543-5312

Date: 4/14/10